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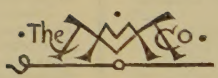

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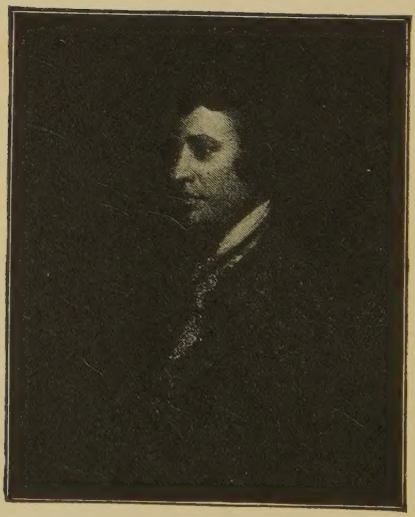

EDMUND BURKE

BURKE'S SPEECH

ON

CONCILIATION WITH AMERICA

EDITED

WITH INTRODUCTION AND NOTES

BY

SIDNEY CARLETON NEWSOM

TEACHER OF ENGLISH, MANUAL TRAINING HIGH SCHOOL
INDIANAPOLIS, INDIANA

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PREFACE

The introduction to this edition of Burke's speech on Conciliation with America is intended to supply the needs of those students who do not have access to a well-stocked library, or who, for any reason, are unable to do the collateral reading necessary for a complete understanding of the text.

The sources from which information has been drawn in preparing this edition are mentioned under "Bibliography." The editor wishes to acknowledge indebtedness to many of the excellent older editions of the speech, and also to Mr. A. P. Winston, of the Manual Training High School, for valuable suggestions.

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INTRODUCTION

POLITICAL SITUATION

In 1651 originated the policy which caused the American Revolution. That policy was one of taxation, indirect, it is true, but none the less taxation. The first Navigation Act required that colonial exports should be shipped to England in American or English vessels. This was followed by a long series of acts, regulating and restricting the American trade. Colonists were not allowed to exchange certain articles without paying duties thereon, and custom houses were established and officers appointed. Opposition to these proceedings was ineffectual; and in 1696, in order to expedite the business of taxation, and to establish a better method of ruling the colonies, a board was appointed, called the Lords Commissioners for Trade and Plantations. The royal governors found in this board ready sympathizers, and were not slow to report their grievances, and to insist upon more stringent regulations for enforcing obedience. Some of the

retaliative measures employed were the suspension of the writ of *habeas corpus*, the abridgment of the freedom of the press and the prohibition of elections. But the colonists generally succeeded in having their own way in the end, and were not wholly without encouragement and sympathy in the English Parliament. It may be that the war with France, which ended with the fall of Quebec, had much to do with this rather generous treatment. The Americans, too, were favored by the Whigs, who had been in power for more than seventy years. The policy of this great party was not opposed to the sentiments and ideas of political freedom that had grown up in the colonies; and, although more than half of the Navigation Acts were passed by Whig governments, the leaders had known how to wink at the violation of nearly all of them.

Immediately after the close of the French war, and after George III. had ascended the throne of England, it was decided to enforce the Navigation Acts rigidly. There was to be no more smuggling, and, to prevent this, Writs of Assistance were issued. Armed with such authority, a servant of the king might enter the home of any citizen, and make a thorough search for smuggled goods. It is needless to say the measure was resisted vigorously, and its reception by the colonists, and its effect upon them, has been called the

opening scene of the American Revolution. As a matter of fact, this sudden change in the attitude of England toward the colonies, marks the beginning of the policy of George III. which, had it been successful, would have made him the ruler of an absolute instead of a limited monarchy. He hated the Tories only less than the Whigs, and when he bestowed a favor upon either, it was for the purpose of weakening the other. The first task he set himself was that of crushing the Whigs. Since the Revolution of 1688, they had dictated the policy of the English government, and through wise leaders had become supreme in authority. They were particularly obnoxious to him because of their republican spirit, and he regarded their ascendency as a constant menace to his kingly power. Fortune seemed to favor him in the dissensions which arose. There grew up two factions in the Whig party. There were old Whigs and new Whigs. George played one against the other, advanced his favorites when opportunity offered, and in the end succeeded in forming a ministry composed of his friends and obedient to his will.

With the ministry safely in hand, he turned his attention to the House of Commons. The old Whigs had set an example, which George was shrewd enough to follow. Walpole and Newcastle had succeeded in

giving England one of the most peaceful and prosperous governments within in the previous history of the nation, but their methods were corrupt. With much of the judgment, penetration and wise forbearance which marks a statesman, Walpole's distinctive qualities of mind eminently fitted him for political intrigue; Newcastle was still worse, and has the distinction of being the premier under whose administration the revolt against official corruption first received the support of the public.

For near a hundred years, the territorial distribution of seats in the House had remained the same, while the centres of population had shifted along with those of trade and new industries. Great towns were without representation, while boroughs, such as Old Sarum, without a single voter, still claimed, and had, a seat in Parliament. Such districts, or "rotten boroughs," were owned and controlled by many of the great landowners. Both Walpole and Newcastle resorted to the outright purchase of these seats, and when the time came George did not shrink from doing the same thing. He went even further. All preferments of whatsoever sort were bestowed upon those who would do his bidding, and the business of bribery assumed such proportions that an office was opened at the Treasury for this purpose, from which twenty-five thousand pounds are said to have passed

in a single day. Parliament had been for a long time only partially representative of the people; it now ceased to be so almost completely.

With the support which such methods secured, along with encouragement from his ministers, the king was prepared to put in operation his policy for regulating the affairs of America. Writs of Assistance (1761) were followed by the passage of the Stamp Act (1765). The ostensible object of both these measures was to help pay the debt incurred by the French war, but the real purpose lay deeper, and was nothing more or less than the ultimate extension of parliamentary rule, in great things as well as small, to America. At this crisis, so momentous for the colonists, the Rockingham ministry was formed, and Burke, together with Pitt, supported a motion for the unconditional repeal of the Stamp Act. After much wrangling, the motion was carried, and the first blunder of the mother country seemed to have been smoothed over.

Only a few months elapsed, however, when the question of taxing the colonies was revived. Pitt lay ill, and could take no part in the proposed measure. Through the influence of other members of his party, — notably Townshend, — a series of acts were passed, imposing duties on several exports to America. This was followed by a suspension of the New York Assembly, because it had disregarded instructions in the

matter of supplies for the troops. The colonists were furious. Matters went from bad to worse. To withdraw as far as possible without yielding the principle at stake, the duties on all the exports mentioned in the bill were removed, except that on tea. But it was precisely the principle for which the colonists were contending. They were not in the humor for compromise, when they believed their freedom was endangered, and the strength and determination of their resistance found a climax in the Boston Tea Party.

In the meantime, Lord North, who was absolutely obedient to the king, had become prime minister. Five bills were prepared, the tenor of which, it was thought, would overawe the colonists. Of these, the Boston Port Bill and the Regulating Act are perhaps the most famous, though the ultimate tendency of all was blindly coercive.

While the king and his friends were busy with these, the opposition proposed an unconditional repeal of the Tea Act. The bill was introduced only to be overwhelmingly defeated by the same Parliament that passed the five measures of Lord North.

In America, the effect of these proceedings was such as might have been expected by thinking men. The colonies were as a unit in their support of Massachusetts. The Regulating Act was set at defiance, public officers in the king's service were forced to resign,

town meetings were held, and preparations for war were begun in dead earnest. To avert this, some of England's greatest statesmen — Pitt among the number — asked for a reconsideration. On February the first, 1775, a bill was introduced, which would have gone far toward bringing peace. One month later, Burke delivered his speech on Conciliation with the Colonies.

EDMUND BURKE

There is nothing unusual in Burke's early life. He was born in Dublin, Ireland, in 1729. His father was a successful lawyer and a Protestant, his mother, a Catholic. At the age of twelve, he became a pupil of Abraham Shackleton, a Quaker, who had been teaching some fifteen years at Ballitore, a small town thirty miles from Dublin. In after years Burke was always pleased to speak of his old friend in the kindest way: "If I am anything," he declares, "it is the education I had there that has made me so." And again at Shackleton's death, when Burke was near the zenith of his fame and popularity, he writes: "I had a true honor and affection for that excellent man. I feel something like a satisfaction in the midst of my concern, that I was fortunate enough to have him under my roof before his departure." It can hardly be

doubted that the old Quaker schoolmaster succeeded with his pupil who was already so favorably inclined, and it is more than probable that the daily example of one who lived out his precepts was strong in its influence upon a young and generous mind.

Burke attended school at Ballitore two years; then, at the age of fourteen, he became a student at Trinity College, Dublin, and remained there five years. At college he was unsystematic and careless of routine. He seems to have done pretty much as he pleased, and, however methodical he became in after life, his study during these five years was rambling and spasmodic. The only definite knowledge we have of this period is given by Burke himself in letters to his former friend Richard Shackleton, son of his old schoolmaster. What he did was done with a zest that at times became a feverish impatience: "First I was greatly taken with natural philosophy, which, while I should have given my mind to logic, employed me incessantly. This I call my *furor mathematicus*." Following in succession come his *furor logicus*, *furor historicus*, and *furor poeticus*, each of which absorbed him for the time being. It would be wrong, however, to think of Burke as a trifler even in his youth. He read in the library three hours every day and we may be sure he read as intelligently as eagerly. It is more than probable that like a few other great minds he did not need

a rigid system to guide him. If he chose his subjects of study at pleasure, there is every reason to believe he mastered them.

Of intimate friends at the University we hear nothing. Goldsmith came one year later, but there is no evidence that they knew each other. It is probable that Burke, always reserved, had little in common with his young associates. His own musings, with occasional attempts at writing poetry, long walks through the country, and frequent letters to and from Richard Shackleton, employed him when not at his books.

Two years after taking his degree, Burke went to London and established himself at the Middle Temple for the usual routine course in law. Another long period passes of which there is next to nothing known. His father, an irascible, hot-tempered man, had wished him to begin the practice of law, but Burke seems to have continued in a rather irregular way pretty much as when an undergraduate at Dublin. His inclinations were not toward the law, but literature. His father, angered at such a turn of affairs, promptly reduced his allowance and left him to follow his natural bent in perfect freedom. In 1756, six years after his arrival in London, and almost immediately following the rupture with his father, he married a Miss Nugent. At about the same time he

published his first two books,[1] and began in earnest the life of an author.

He attracted the attention of literary men. Dr. Johnson had just completed his famous dictionary, and was the centre of a group of writers who accepted him at his own valuation. Burke did not want for company, and wrote copiously.[2] He became associated with Dodsley, a bookseller, who began publishing the *Annual Register* in 1759, and was paid a hundred pounds a year for writing upon current events. He spent two years (1761–63) in Ireland in the employment of William Hamilton, but at the end of that time returned, chagrined and disgusted with his would-be patron, who utterly failed to recognize Burke's worth, and persisted in the most unreasonable demands upon his time and energy.

For once Burke's independence served him well. In 1765 Lord Rockingham became prime minister, and Burke, widely known as the chief writer for the *Annual Register*, was free to accept the position of private secretary, which Lord Rockingham was glad to offer him. His services here were invaluable. The new relations thus established did not end with the

[1] *A Vindication of Natural Society* and *Philosophical Inquiry into the Origin of our Ideas of the Sublime and Beautiful.*

[2] *Hints for an Essay on the Drama. Abridgement of the History of England.*

performance of the immediate duties of his office, but a warm friendship grew up between the two, which lasted till the death of Lord Rockingham. While yet private secretary, Burke was elected to Parliament from the borough of Wendover. It was through the influence of his friend, or perhaps relative, William Burke, that his election was secured.

Only a few days after taking his seat in the House of Commons, Burke made his first speech, January 27, 1766. He followed this in a very short time with another upon the same subject — the Taxation of the American Colonies. Notwithstanding the great honor and distinction which these first speeches brought Burke, his party was dismissed at the close of the session and the Chatham ministry formed. He remained with his friends, and employed himself in refuting[1] the charges of the former minister, George Grenville, who wrote a pamphlet accusing his successors of gross neglect of public duties.

At this point in his life comes the much-discussed matter of Beaconsfield. How Burke became rich enough to purchase such expensive property is a question that has never been answered by his friends or enemies. There are mysterious hints of successful speculation in East India stock, of money borrowed, and Burke himself, in a letter to Shackleton, speaks

[1] *Observations on the Present State of the Nation.*

of aid from his friends and "all [the money] he could collect of his own." However much we may regret the air of mystery surrounding the matter, and the opportunity given those ever ready to smirch a great man's character, it is not probable that any one ever really doubted Burke's integrity in this or any other transaction. Perhaps the true explanation of his seemingly reckless extravagance (if any explanation is needed) is that the conventional standards of his time forced it upon him; and it may be that Burke himself sympathized to some extent with these standards, and felt a certain satisfaction in maintaining a proper attitude before the public.

The celebrated case of Wilkes offered an opportunity for discussing the narrow and corrupt policy pursued by George III. and his followers. Wilkes, outlawed for libel and protected in the meantime through legal technicalities, was returned to Parliament by Middlesex. The House expelled him. He was repeatedly elected and as many times expelled, and finally the returns were altered, the House voting its approval by a large majority. In 1770 Burke published his pamphlet[1] in which he discussed the situation. For the first time he showed the full sweep and breadth of his understanding. His tract was in the interest of his party, but it was written in a spirit

[1] *Present Discontents.*

far removed from narrow partisanship. He pointed out with absolute clearness the cause of dissatisfaction and unrest among the people and charged George III. and his councillors with gross indifference to the welfare of the nation and corresponding devotion to selfish interests. He contended that Parliament was usurping privileges when it presumed to expel any one, that the people had a right to send whomsoever they pleased to Parliament, and finally that "in all disputes between them and their rulers, the presumption was at least upon a par in favor of the people." From this time until the American Revolution, Burke used every opportunity to denounce the policy which the king was pursuing at home and abroad. He doubtless knew beforehand that what he might say would pass unnoticed, but he never faltered in a steadfast adherence to his ideas of government, founded, as he believed, upon the soundest principles. Bristol elected him as its representative in Parliament. It was a great honor and Burke felt its significance, yet he did not flinch when the time came for him to take a stand. He voted for the removal of some of the restrictions upon Irish trade. His constituents, representing one of the most prosperous mercantile districts, angered and disappointed at what they held to be a betrayal of trust, refused to reëlect him.

Lord North's ministry came to an end in 1782, im-

mediately after the battle of Yorktown, and Lord Rockingham was chosen prime minister. Burke's past services warranted him in expecting an important place in the cabinet, but he was ignored. Various things have been suggested as reasons for this: he was poor; some of his relations and intimate associates were objectionable; there were dark hints of speculations; he was an Irishman. It is possible that any one of these facts, or all of them, furnished a good excuse for not giving him an important position in the new government. But it seems more probable that Burke's abilities were not appreciated so justly as they have been since. The men with whom he associated saw some of his greatness but not all of it. He was assigned the office of Paymaster of Forces, a place of secondary importance.

Lord Rockingham died in three months and the party went to pieces. Burke refused to work under Shelburne, and, with Fox, joined Lord North in forming the coalition which overthrew the Whig party. Burke has been severely censured for the part he took in this. Perhaps there is little excuse for his desertion, and it is certainly true that his course raises the question of his sincere devotion to principles. His personal dislike of Shelburne was so intense that he may have yielded to his feelings. He felt hurt, too, we may be sure, at the disposition made of him by his

friends. In replying to a letter asking him for a place in the new government, he writes that his correspondent has been misinformed. "I make no part of the ministerial arrangement," he writes, and adds, "Something in the official line may be thought fit for my measure."

As a supporter of the coalition, Burke was one of the framers of the India Bill. This was directed against the wholesale robbery and corruption which the East India Company had been guilty of in its government of the country. Both Fox and Burke defended the measure with all the force and power which a thorough mastery of facts, a keen sense of the injustice done an unhappy people, and a splendid rhetoric can give. But it was doomed from the first. The people at large were indifferent, many had profitable business relations with the company, and the king used his personal influence against it. The bill failed to pass, the coalition was dismissed, and the party, which had in Burke its greatest representative, was utterly ruined.

The failure of the India Bill marked a victory for the king, and it also prepared the way for one of the most famous transactions of Burke's life. Macaulay has told how impressive and magnificent was the scene at the trial of Warren Hastings. There were political reasons for the impeachment, but the chief motive that

stirred Burke was far removed from this. He saw and understood the real state of affairs in India. The mismanagement, the brutal methods, and the crimes committed there in the name of the English government, moved him profoundly, and when he rose before the magnificent audience at Westminster, for opening the cause, he forced his hearers, by his own mighty passion, to see with his own eyes, and to feel his own righteous anger. "When he came to his two narratives," says Miss Burney, "when he related the particulars of those dreadful murders, he interested, he engaged, he at last overpowered me; I felt my cause lost. I could hardly keep my seat. My eyes dreaded a single glance toward a man so accused as Mr. Hastings; I wanted to sink on the floor, that they might be saved so painful a sight. I had no hope he could clear himself; not another wish in his favor remained." The trial lasted for six years and ended with the acquittal of Hastings. The result was not a surprise, and least of all to Burke. The fate of the India Bill had taught him how completely indifferent the popular mind was to issues touching deep moral questions. Though a seeming failure, he regarded the impeachment as the greatest work of his life. It did much to arouse and stimulate the national sense of justice. It made clear the cruel methods sometimes pursued under the guise of civilization and progress. The moral vic-

tory is claimed for Burke, and without a doubt the claim is valid.

The second of the great social and political problems, which employed English statesmen in the last half of the eighteenth century, was settled in the impeachment of Warren Hastings. The affairs of America and India were now overshadowed by the French Revolution, and Burke, with the far-sighted vision of a veteran statesman, watched the progress of events and their influence upon the established order. In 1773 he had visited France, and had returned displeased. It is remarkable with what accuracy he pointed out the ultimate tendency of much that he saw. A close observer of current phases of society, and on the alert to explain them in the light of broad and fundamental principles of human progress, he had every opportunity for studying social life at the French capital. Unlike the younger men of his times, he was doubtful, and held his judgment in suspense. The enthusiasm of even Fox seemed premature, and he held himself aloof from the popular demonstrations of admiration and approval that were everywhere going on. The fact is, Burke was growing old, and with his years he was becoming more conservative. He dreaded change, and was suspicious of the wisdom of those who set about such widespread innovations, and made such brilliant promises for the future. But the time rapidly approached for him to declare himself, and in 1790 his

Reflections on the Revolution in France was issued. His friends had long waited its appearance, and were not wholly surprised at the position taken. What did surprise them was the eagerness with which the people seized upon the book, and its effect upon them. The Tories, with the king, applauded long and loud; the Whigs were disappointed, for Burke condemned the Revolution unreservedly, and with a bitterness out of all proportion to the cause of his anxiety and fear. As the Revolution progressed, he grew fiercer in his denunciation. He broke with his lifelong associates, and declared that no one who sympathized with the work of the Assembly could be his friend. His other writings on the Revolution[1] were in a still more violent strain, and it is hard to think of them as coming from the author of the *Speech on Conciliation*.

Three years before his death, at the conclusion of the trial of Warren Hastings, Burke's last term in Parliament expired. He did not wish office again, and withdrew to his estate. Through the influence of friends, and because of his eminent services, it was proposed to make him peer, with the title of Lord Beaconsfield. But the death of his son prevented, and a pension of twenty-five hundred pounds a year was given instead. It was a signal for his enemies, and during his last

[1] *Letter to a Member of the National Assembly* and *Letters on a Regicide Peace*.

days he was busy with his reply. The "Letter to a Noble Lord," though written little more than a year before his death, is considered one of the most perfect of his papers. Saddened by the loss of his son, and broken in spirits, there is yet left him enough old-time energy and fire to answer his detractors. But his wonderful career was near its close. His last months were spent in writing about the French Revolution, and the third letter on a Regicide Peace — a fragment — was doubtless composed just before his death. On the 9th of July, 1797, he passed away. His friends claimed for him a place in Westminster, but his last wish was respected, and he was buried at Beaconsfield.

BURKE AS A STATESMAN

There is hardly a political tract or pamphlet of Burke's in which he does not state, in terms more or less clear, the fundamental principle in his theory of government. "Circumstances," he says in one place, "give, in reality, to every political principle, its distinguishing color and discriminating effect. The circumstances are what renders every civil and political scheme beneficial or obnoxious to mankind." At another time he exclaims: "This is the true touchstone of all theories which regard man and the affairs

of men; does it suit his nature in general, does it suit his nature as modified by his habits?" And again he extends his system to affairs outside the realm of politics. "All government," he declares, "indeed, every human benefit and enjoyment, every virtue and every prudent act, is founded on compromise and barter."

It is clear that Burke thought the State existed for the people, and not the people for the State. The doctrine is old to us, but it was not so in Burke's time, and it required courage to expound it. The great parties had forgotten the reason for their existence, and one of them had become hardened and blinded by that corruption which seems to follow long tenure of office. The affairs of India, Ireland, and America gave excellent opportunity for an exhibition of English statesmanship, but in each case the policy pursued was dictated, not by a clear perception of what was needed in these countries, but by narrow selfishness, not unmixed with dogmatism of the most challenging sort. The situation in India, as regards climate, character, and institutions, counted for little in the minds of those who were growing rich as agents of the East India Company. Much the same may be said of America and Ireland. The sense of Parliament, influenced by the king, was to use these parts of the British Empire in raising a revenue, and in strength

ening party organization at home. In opposing this policy, Burke lost his seat as representative for Bristol, then the second city of England; spent fourteen of the best years of his life in conducting the impeachment of Warren Hastings, Governor-General of India; and, greatest of all, delivered his famous speeches on Taxation and Conciliation, in behalf of the American colonists.

Notwithstanding the distinctly modern tone of Burke's ideas, it would be wrong to think of him as a thoroughgoing reformer. He has been called the Great Conservative, and the title is appropriate. He would have shrunk from a purely republican form of government, such as our own, and it is, perhaps, a fact that he was suspicious of a government by the people. The trouble, as he saw it, lay with the representatives of the people. Upon them, as guardians of a trust, rested the responsibility of protecting those whom they were chosen to serve. While he bitterly opposed any measures involving radical change in the Constitution, he was no less ardent in denouncing political corruptions of all kinds whatsoever. In his *Economical Reform* he sought to curtail the enormous extravagance of the royal household, and to withdraw the means of wholesale bribery, which offices at the disposal of the king created. He did not believe that a more effective means than this lay in the proposed

plan for a redistribution of seats in the House of Commons. In one place, he declared it might be well to lessen the number of voters, in order to add to their weight and independence; at another, he asks that the people be stimulated to a more careful scrutiny of the conduct of their representatives; and on every occasion he demands that the legislators give their support to those measures only which have for their object the good of the whole people.

It is obvious, however, that Burke's policy had grievous faults. His reverence for the past, and his respect for existing institutions as the heritage of the past, made him timid and overcautious in dealing with abuses. Although he stood with Pitt in defending the American colonies, he had no confidence in the thoroughgoing reforms which the great Commoner proposed. When the Stamp Act was repealed, Pitt would have gone even further. He would have acknowledged the absolute injustice of taxation without representation. Burke held tenaciously to the opposing theory, and warmly supported the Declaratory Act, which "asserted the supreme authority of Parliament over the colonies, in all cases whatsoever." His support of the bill for the repeal of the Stamp Act, as well as his plea for reconciliation, ten years later, were not prompted by a firm belief in the injustice of England's course. He expressly states, in both cases,

that to enforce measures so repugnant to the Americans, would be detrimental to the home government. It would result in confusion and disorder, and would bring, perhaps, in the end, open rebellion. All of his speeches on American affairs show his willingness to "barter and compromise" in order to avoid this, but nowhere is there a hint of fundamental error in the Constitution. This was sacred to him, and he resented to the last any proposition looking to an organic change in its structure. "The lines of morality," he declared, "are not like ideal lines of mathematics. They are broad and deep, as well as long. They admit of exceptions; they demand modifications. These exceptions and modifications are made, not by the process of logic, but the rules of prudence. Prudence is not only first in rank of all the virtues, political and moral, but she is the director, the regulator, the standard of them all."

The chief characteristics, then, of Burke's political philosophy are opposed to much that is fundamental in modern systems. His doctrine is better than that of George III., because it is more generous, and affords opportunity for superficial readjustment and adaptation. It is this last, or rather the proof it gives of his insight, that has secured Burke so high a place among English statesmen.

A GROUP OF WRITERS COMING IMMEDIATELY BEFORE BURKE

Addison	1672–1719
Steele	1672–1729
Defoe	1661–1731
Swift	1667–1745
Pope	1688–1744
Richardson	1689–1761

A GROUP OF WRITERS CONTEMPORARY WITH BURKE

Johnson	1709–1784
Goldsmith	1728–1774
Fielding	1707–1754
Sterne	1713–1768
Smollett	1721–1771
Gray	1716–1771
Boswell	1740–1795

BURKE IN LITERATURE

It has become almost trite to speak of the breadth of Burke's sympathies. We should examine the statement, however, and understand its significance and see its justice. While he must always be regarded first as a statesman of one of the highest types, he had other interests than those directly suggested by his

office, and in one of these, at least, he affords an interesting and profitable study.

To the student of literature Burke's name must always suggest that of Johnson and Goldsmith. It was eight years after Burke's first appearance as an author, that the famous *Literary Club* was formed. At first it was the intention to limit the club to a membership of nine, and for a time this was adhered to. The original members were Johnson, Burke, Goldsmith, Reynolds, and Hawkins. Garrick, Fox, and Boswell came in later. Macaulay declares that the influence of the club was so great that its verdict made and unmade reputations; but the thing most interesting to us does not lie in the consideration of such literary dictatorship. To Boswell we owe a biography of Johnson which has immortalized its subject, and shed lustre upon all associated with him. The literary history of the last third of the eighteenth century, with Johnson as a central figure, is told nowhere else with such accuracy, or with better effect.

Although a Tory, Johnson was a great one, and his lasting friendship for Burke is an enduring evidence of his generosity and great-mindedness. For twenty years, and longer, they were eminent men in opposing parties, yet their mutual respect and admiration continued to the last. To Burke, Johnson was a writer

of "eminent literary merit" and entitled to a pension "solely on that account." To Johnson, Burke was the greatest man of his age, wrong politically, to be sure, yet the only one "whose common conversation corresponded to the general fame which he had in the world" — the only one "who was ready, whatever subject was chosen, to meet you on your own ground." Here and there in the *Life* are allusions to Burke, and admirable estimates of his many-sided character.

Coming directly to an estimate of Burke from the purely literary point of view, it must be borne in mind that the greater part of his writings was prepared for an audience. Like Macaulay, his prevailing style suggests the speaker, and his methods throughout are suited to declamation and oratory. He lacks the ease and delicacy that we are accustomed to look for in the best prose writers, and occasionally one feels the justice of Johnson's stricture, that "he sometimes talked partly from ostentation"; or of Hazlitt's criticism that he seemed to be "perpetually calling the speaker out to dance a minuet with him before he begins."

There may be passages here and there that warrant such censure. Burke is certainly ornate, and at times he is extremely self-conscious, but the dominant quality of his style, and the one which forever contradicts the idea of mere showiness, is passion. In his method

of approaching a subject, he may be, and perhaps is, rather tedious, but when once he has come to the matter really in hand, he is no longer the rhetorician, dealing in fine phrases, but the great seer, clothing his thoughts in words suitable and becoming. The most magnificent passages in his writings — the *Conciliation* is rich in them — owe their charm and effectiveness to this emotional capacity. They were evidently written in moments of absolute abandonment to feeling — in moments when he was absorbed in the contemplation of some great truth, made luminous by his own unrivalled powers.

Closely allied to this intensity of passion, is a splendid imaginative quality. Few writers of English prose have such command of figurative expression. It must be said, however, that Burke was not entirely free from the faults which generally accompany an excessive use of figures. Like other great masters of a decorative style, he frequently becomes pompous and grandiloquent. His thought, too, is obscured, where we would expect great clearness of statement, accompanied by a dignified simplicity; and occasionally we feel that he forgets his subject in an anxious effort to make an impression. Though there are passages in his writings that justify such observations, they are few in number, when compared with those which are really masterpieces of their kind.

Some great crisis, or threatening state of affairs, seems to furnish the necessary condition for the exercise of a great mind, and Burke is never so effective as when thoroughly aroused. His imagination needed the chastening which only a great moment or critical situation could give. Two of his greatest speeches — Conciliation, and Impeachment of Warren Hastings — were delivered under the restraining effect of such circumstances, and in each the figurative expression is subdued and not less beautiful in itself than appropriate for the occasion.

Finally, it must be observed that no other writer of English prose has a better command of words. His ideas, as multifarious as they are, always find fitting expression. He does not grope for a term; it stands ready for his thought, and one feels that he had opportunity for choice. It is the exuberance of his fancy, already mentioned, coupled with this richness of vocabulary, that helped to make Burke a tiresome speaker. His mind was too comprehensive to allow any phase of his subject to pass without illumination. He followed where his subject led him, without any great attention to the patience of his audience. But he receives full credit when his speeches are read. It is then that his mastery of the subject and the splendid qualities of his style are apparent, and appreciated at their worth.

In conclusion, it is worth while observing that in the study of a great character, joined with an attempt to estimate it by conventional standards, something must always be left unsaid. Much may be learned of Burke by knowing his record as a partisan, more by a minute inspection of his style as a writer, but beyond all this is the moral tone or attitude of the man himself. To a student of Burke this is the greatest thing about him. It colored every line he wrote, and to it, more than anything else, is due the immense force of the man as a speaker and writer. It was this, more than Burke's great abilities, that justifies Dr. Johnson's famous eulogy: "He is not only the first man in the House of Commons, he is the first man everywhere."

A GROUP OF WRITERS COMING IMMEDIATELY AFTER BURKE

Wordsworth	1770–1850
Coleridge	1772–1834
Byron	1788–1824
Shelley	1792–1822
Keats	1795–1821
Scott	1771–1832

TOPICS FOR SPECIAL REPORTS

1. "Like Goldsmith, though in a different sphere, Burke belongs both to the old order and the new." Discuss that statement.

2. Burke and the *Literary Club*. (Boswell's Life of Johnson.)

3. Lives of Burke and Goldsmith. Contrast.

4. An interpretation of ten apothegms selected from the Speech on Conciliation.

5. A study of figures in the Speech on Conciliation.

6. A definition of the terms: "colloquialism" and "idiom." Instances of their use in the Speech on Conciliation.

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EDMUND BURKE

ON MOVING HIS RESOLUTIONS FOR CONCILIATION WITH THE COLONIES. HOUSE OF COMMONS, MARCH 22, 1775

I HOPE, Sir, that notwithstanding the austerity of the Chair, your good nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal bill,° by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other House. I do confess I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favor, by which we are put once more in possession of our deliberative capacity upon a business so very questionable in its nature, so very

uncertain in its issue. By the return of this bill, which seemed to have taken its flight forever, we are at this very instant nearly as free to choose a plan for our American Government as we were on the first day of the session. If, Sir, we incline to the side of conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were by a superior warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject, or there is none so on this side of the grave. When I first had the honor of a seat in this House, the affairs of that continent pressed themselves upon us as the most important and most delicate object of Parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and, having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our Colonies. I was not less under the necessity of forming some fixed ideas concerning the general policy of

the British Empire. Something of this sort seemed to be indispensable, in order, amidst so vast a fluctuation of passions and opinions, to concentre my thoughts, to ballast my conduct, to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe or manly to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation, in my original sentiments.° Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, Parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard anything approaching to a censure on the motives of former Parliaments to all those alterations, one fact is undoubted — that under them the state of America has

been kept in continual agitation.° Everything administered as remedy to the public complaint, if it did not produce, was at least followed by, an heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation — a situation which I will not miscall, which I dare not name, which I scarcely know how to comprehend in the terms of any description.

In this posture, Sir, things stood at the beginning of the session. About that time, a worthy member° of great Parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside; and, lamenting the present aspect of our politics, told me things were come to such a pass that our former° methods of proceeding in the House would be no longer tolerated: that the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity: that the very vicissitudes and shiftings of Ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigor as cruel, and every proposal of lenity as weak and irreso-

lute. The public, he said, would not have patience to see us play the game out with our adversaries; we must produce our hand. It would be expected that those who for many years had been active in such affairs should show that they had formed some clear and decided idea of the principles of Colony government; and were capable of drawing out something like a platform of the ground which might be laid for future and permanent tranquillity.

I felt the truth of what my honorable friend represented; but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was indeed ever better disposed, or worse qualified, for such an undertaking than myself. Though I gave so far in to his opinion that I immediately threw my thoughts into a sort of Parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception; and, for my part, I am not ambitious of ridicule — not absolutely a candidate for disgrace.

Besides, Sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government;° nor of any politics in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more, and that things were hastening towards an incurable alienation of our Colonies, I confess my caution gave way. I felt this as one of those few moments in which decorum yields to a higher duty. Public calamity is a mighty leveller; and there are occasions when any, even the slightest, chance of doing good must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are by what you ought to be, I persuaded myself that you would not reject a reasonable proposition because it had nothing but its reason to recommend it. On the other hand,

being totally destitute of all shadow of influence, natural or adventitious, I was very sure that, if my proposition were futile or dangerous — if it were weakly conceived, or improperly timed — there was nothing exterior to it of power to awe, dazzle, or delude you. You will see it just as it is; and you will treat it just as it deserves.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord fomented, from principle, in all parts of the Empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace; sought in its natural course, and in its ordinary haunts. It is peace sought in the spirit of peace, and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the former unsuspecting confidence of the Colonies in the Mother Country, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act and by the bond of the very same interest which reconciles them to British government.

My idea is nothing more. Refined policy° ever has been the parent of confusion; and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is an healing and cementing principle. My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendor of the project° which has been lately laid upon your table by the noble lord in the blue ribbon.° It does not propose to fill your lobby with squabbling Colony agents,° who will require the interposition of your mace, at every instant, to keep the peace amongst them. It does not institute a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments beyond all the powers of algebra to equalize and settle.

The plan which I shall presume to suggest derives, however, one great advantage from the proposition

and registry of that noble lord's project. The idea of conciliation is admissible. First, the House, in accepting the resolution moved by the noble lord, has admitted, notwithstanding the menacing front of our address,° notwithstanding our heavy bills of pains and penalties — that we do not think ourselves precluded from all ideas of free grace and bounty.

The House has gone farther; it has declared conciliation admissible, previous to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted that the complaints of our former mode of exerting the right of taxation were not wholly unfounded. That right thus exerted is allowed to have something reprehensible in it, something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration; and in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of Parliament.

The principle of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end; and this I

shall endeavor to show you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things, I make no difficulty in affirming that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honor and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; and he loses forever that time and those chances,° which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide are these two: First, whether you ought to concede; and secondly, what your concession ought to be. On the first of these questions we have gained, as I have just taken the liberty of observing to you, some ground. But I am sensible that a good deal more is still to be done. Indeed, Sir, to enable

us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us; because after all our struggle, whether we will or not, we must govern America according to that nature and to those circumstances,° and not according to our own imaginations, nor according to abstract ideas of right — by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavor, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is — the number of people in the Colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and color, besides at least five hundred thousand others, who form no inconsiderable part of the strength and opulence of the whole. This, Sir, is, I believe, about

the true number. There is no occasion to exaggerate where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low is a matter of little moment. Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation, because, Sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will show you that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependent, who may be neglected with little damage and provoked with little danger. It will prove that some degree of care

and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight if not combined with other circumstances. The commerce of your Colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago, and with great ability, by a distinguished person at your bar. This gentleman, after thirty-five years — it is so long since he first appeared at the same place to plead for the commerce of Great Britain — has come again before you to plead the same cause, without any other effect of time, than that to the fire of imagination and extent of erudition which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a

person with any detail, if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, Sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view from whence, if you will look at the subject, it is impossible that it should not make an impression upon you.

I have in my hand two accounts; one a comparative state of the export trade of England to its Colonies, as it stood in the year 1704, and as it stood in the year 1772; the other a state of the export trade of this country to its Colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the Colonies included) in the year 1704. They are from good vouchers; the latter period from the accounts on your table, the earlier from an original manuscript of Davenant, who first established the Inspector-General's office, which has been ever since his time so abundant a source of Parliamentary information.

The export trade to the Colonies consists of three great branches: the African — which, terminating almost wholly in the Colonies, must be put to the account of their commerce, — the West Indian, and

the North American. All these are so interwoven that the attempt to separate them would tear to pieces the contexture of the whole; and, if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the Colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus: —

Exports to North America and the West Indies .	£483,265
To Africa	86,665
	£569,930

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows: —

To North America and the West Indies . .	£4,791,734
To Africa	866,398
To which, if you add the export trade from Scotland, which had in 1704 no existence .	364,000
	£6,022,132

From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelvefold. This is the state of the Colony trade as compared with itself at these two periods within this

century; — and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the Colonies alone in 1772 stood in the other point of view; that is, as compared to the whole trade of England in 1704: —

The whole export trade of England, including that to the Colonies, in 1704.	£6,509,000
Export to the Colonies alone, in 1772 . . .	6,024,000
Difference,	£485,000

The trade with America alone is now within less than £500,000 of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented, and augmented more or less in almost every part to which it ever extended; but with this material difference, that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the

Colony trade was but one-twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the Colonies at these two periods; and all reasoning concerning our mode of treating them must have this proportion as its basis; or it is a reasoning weak, rotten, and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration.° *It is good for us to be here.*° We stand where we have an immense view of what is, and what is past. Clouds, indeed, and darkness, rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough *acta parentum jam legere, et quæ sit potuit cognoscere virtus.*° Suppose, Sir, that the angel of this auspicious youth, foreseeing the many virtues which made him one of the most amiable, as he is one of the most fortunate, men of his age, had opened to

him in vision that when in the fourth generation the third Prince of the House of Brunswick had sat twelve years on the throne of that nation which, by the happy issue of moderate and healing counsels, was to be made Great Britain, he should see his son, Lord Chancellor of England, turn back the current of hereditary dignity to its fountain, and raise him to a higher rank of peerage, whilst he enriched the family with a new one — if, amidst these bright and happy scenes of domestic honor and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and, whilst he was gazing with admiration on the then commercial grandeur of England, the genius should point out to him a little speck, scarcely visible in the mass of the national interest, a small seminal principle, rather than a formed body, and should tell him: "Young man, there is America — which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death," show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settle-

ments in a series of seventeen hundred years, you shall see as much added to her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate, indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!

Excuse me, Sir, if turning from such thoughts I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704 that province called for £11,459 in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why, nearly fifty times as much; for in that year the export to Pennsylvania was £507,909, nearly equal to the export to all the Colonies together in the first period.

I choose, Sir, to enter into these minute and particular details, because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our Colonies, fiction lags after truth,

invention is unfruitful, and imagination cold and barren.

So far, Sir, as to the importance of the object, in view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure which deceive the burthen of life; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed; but I must prescribe bounds to myself in a matter so vast and various.

I pass, therefore, to the Colonies in another point of view, their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest I am persuaded they will export much more. At the beginning of the century some of these Colonies imported corn from the Mother Country. For some time past the Old World has been fed from the New. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true filial piety, with a Roman charity,° had not put the

full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the Colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet the spirit by which that enterprising employment has been exercised ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits, whilst we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen Serpent of the south. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both

the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries; no climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the Colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigor relents. I pardon something to the spirit of liberty.

I am sensible, Sir, that all which I have asserted in

my detail is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions° and their habits. Those who understand the military art will of course have some predilection for it. Those who wield the thunder of the state° may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favor of prudent management than of force; considering force not as an odious, but a feeble instrument for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, Sir, permit me to observe that the use of force alone is but temporary. It may subdue for a moment, but it does not remove the necessity of subduing again; and a nation is not governed° which is perpetually to be conquered.

My next objection is its uncertainty. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed, you are without re-

source; for, conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms by an impoverished and defeated violence.

A further objection to force is, that you impair the object by your very endeavors to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me than *whole America*. I do not choose to consume its strength along with our own, because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict; and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit; because it is the spirit that has made the country.

Lastly, we have no sort of experience in favor of force as an instrument in the rule of our Colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know if feeling is evidence, that our fault was

more tolerable than our attempt to mend it; and our sin far more salutary than our penitence.

These, Sir, are my reasons for not entertaining that high opinion of untried force by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce — I mean its temper and character.

In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole; and as an ardent is always a jealous affection, your Colonies become suspicious, restive, and untractable whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English Colonies probably than in any other people of the earth, and this from a great variety of powerful causes; which, to understand the true temper of their minds and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the Colonies are descendants of Englishmen. England, Sir, is a nation which still, I hope, respects, and formerly adored, her freedom. The Colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favorite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests° for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates; or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not

only necessary for those who in argument defended the excellence of the English Constitution to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments and blind usages to reside in a certain body called a House of Commons. They went much farther; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons as an immediate representative of the people, whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty can subsist. The Colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered, in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy, indeed, to

make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in an high degree; some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants; and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favorable to liberty, but built

upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches from all that looks like absolute government is so much to be sought in their religious tenets, as in their history. Every one knows that the Roman Catholic religion is at least co-eval with most of the governments where it prevails; that it has generally gone hand in hand with them, and received great favor and every kind of support from authority. The Church of England too was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world, and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our Northern Colonies is a refinement on the principle of resistance; it is the dissidence of dissent, and the protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the Northern Provinces, where the Church of England, notwithstanding its legal rights, is in reality no

more than a sort of private sect, not composing most probably the tenth of the people. The Colonists left England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners which has been constantly flowing into these Colonies has, for the greatest part, been composed of dissenters from the establishments of their several countries, who have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner that some gentlemen object to the latitude of this description, because in the Southern Colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these Colonies which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them° not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in

countries where it is a common blessing and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude; liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the Southern Colonies are much more strongly, and with an higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, Sir, to add another circumstance in our Colonies which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to the Congress were lawyers. But all who read,

and most do read, endeavor to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the Plantations. The Colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honorable and learned friend on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honors and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these

happy methods, it is stubborn and litigious. *Abeunt studia in mores.*° This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance, and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the Colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance,° who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in that limits the arrogance of raging passions and furious elements, and says, *So far shalt thou go, and no farther.* Who are you, that you should fret and rage, and bite

the chains of nature? Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies the circulation° of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt and Arabia and Kurdistan as he governs Thrace; nor has he the same dominion in Crimea and Algiers which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigor of his authority in his centre is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies, too; she submits; she watches times. This is the immutable condition, the eternal law of extensive and detached empire.

Then, Sir, from these six capital sources — of descent, of form of government, of religion in the Northern Provinces, of manners in the Southern, of education, of the remoteness of situation from the first mover of government — from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your Colonies, and increased with the

increase of their wealth; a spirit that unhappily meeting with an exercise of power in England which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the Colonists to be persuaded that their liberty is more secure when held in trust for them by us, as their guardians during a perpetual minority, than with any part of it in their own hands. The question is, not whether their spirit deserves praise or blame, but — what, in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude, the importance, the temper, the habits, the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct which may give a little stability to our politics, and prevent the

return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already! What monsters have not been generated from this unnatural contention! Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the Colony Constitution derived all its activity and its first vital movement from the pleasure of the Crown. We thought, Sir, that the utmost which the discontented Colonies could do was to disturb authority; we never dreamt they could of themselves supply it — knowing in general what an operose business it is to establish a government absolutely new. But having, for our purposes in this contention, resolved that none but an obedient Assembly should sit, the humors of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a

government sufficient for its purposes, without the bustle of a revolution or the formality of an election. Evident necessity and tacit consent have done the business in an instant. So well they have done it, that Lord Dunmore — the account is among the fragments on your table — tells you that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of Governor, as formerly, or Committee, as at present. This new government has originated directly from the people, and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this; that the Colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan° of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Mas-

sachusetts. We were confident that the first feeling if not the very prospect, of anarchy would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigor for near a twelvemonth, without Governor, without public Council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be, or that we have not at all adverted to some other far more important and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further experiments which tend to put to the proof any more of these allowed opinions which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad; for in order to prove that the Americans have no right to their liberties,° we are every

day endeavoring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view,° I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state that, as far as I am capable of discerning, there are but three ways° of proceeding relative to this stubborn spirit which prevails in your Colonies, and disturbs your government. These are — to change that spirit, as inconvenient, by removing the causes; to prosecute it as criminal; or to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started, — that of giving up the Colonies; but it met so slight a reception that I do not think myself obliged to dwell a

great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children who, when they cannot get all they would have, are resolved to take nothing.

The first of these plans — to change the spirit, as inconvenient, by removing the causes — I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population in the Colonies is evidently one cause of their resistance, it was last session mentioned in both Houses, by men of weight, and received not without applause, that in order to check this evil it would be proper for the Crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands as to afford room for an immense future population, although the Crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists

without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian Mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars; and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and in no long time must be, the effect of attempting to forbid as a crime and to suppress as an evil the command

and blessing of providence, *Increase and multiply*. Such would be the happy result of the endeavor to keep as a lair of wild beasts that earth which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts, that the ruling power should never be wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.

Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging-in population to be neither prudent nor practicable.

To impoverish the Colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind, a disposition even to continue the restraint after the offence, looking on ourselves as rivals to our Colo-

nies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the Colonies to resist our violence as very formidable. In this, however, I may be mistaken. But when I consider that we have Colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous to make them unserviceable in order to keep them obedient. It is, in truth, nothing more than the old and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states when they who are too weak to contribute to your prosperity may be strong enough to complete your ruin. *Spoliatis arma supersunt.*°

The temper and character which prevail in our Colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung

from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition; your speech would betray you.° An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion as their free descent; or to substitute the Roman Catholic as a penalty, or the Church of England as an improvement. The mode of inquisition and dragooning is going out of fashion in the Old World, and I should not confide much to their efficacy in the New. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to banish their lawyers from their courts of laws; or to quench the lights of their assemblies by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us, not quite so effectual, and perhaps in the end full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the Southern Colonies, it has been proposed, I know, to reduce it by declaring a general enfranchisement of their slaves. This object has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves° to be free, as it is to compel freemen to be slaves; and in this auspicious scheme we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too, and arm servile hands in defence of freedom? — a measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters? — from that nation, one of whose causes of quarrel° with those masters is their refusal to deal any more in that inhuman traffic? An offer of freedom from England

would come rather oddly, shipped to them in an African vessel which is refused an entry into the ports of Virginia or Carolina with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue.

> "Ye gods, annihilate but space and time,
> And make two lovers happy!"

was a pious and passionate prayer; but just as reasonable as many of the serious wishes of grave and solemn politicians.

If then, Sir, it seems almost desperate to think of any alterative course for changing the moral causes, and not quite easy to remove the natural, which produce prejudices irreconcilable to the late exercise of our authority — but that the spirit infallibly will continue, and, continuing, will produce such effects as

now embarrass us — the second mode under consideration is to prosecute that spirit in its overt acts as criminal.

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem to my way of conceiving such matters that there is a very wide difference, in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow-creatures as Sir Edward Coke insulted one excellent individual (Sir Walter Raleigh) at the bar. I hope I am not ripe to pass sentence on the gravest public bodies, intrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think that, for wise men, this is not judicious; for sober men,

not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states under one common head, whether this head be a monarch or a presiding republic. It does, in such constitutions, frequently happen — and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening — that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely nice. Of course disputes, often, too, very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption, in the case, from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*,° to imply a superior power; for to talk of the privileges of a state or of a person who has no superior is hardly any better than speaking nonsense. Now, in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more completely imprudent than for the head of the empire to insist that, if any privilege is pleaded

against his will or his acts, his whole authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government, against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are, indeed, in all disputes with the Colonies, by the necessity of things, the judge. It is true, Sir. But I confess that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect that, in my little reading upon such contests as these, the sense of mankind has at least as often decided against the superior as the subordinate power. Sir, let me add, too, that the opinion of my having some abstract right° in my favor would not put me much at my ease in passing sentence, unless I could be sure that there were no

rights which, in their exercise under certain circumstances, were not the most odious of all wrongs and the most vexatious of all injustice. Sir, these considerations have great weight with me when I find things so circumstanced, that I see the same party at once a civil litigant against me in point of right and a culprit before me, while I sit as a criminal judge on acts of his whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, Sir, also a circumstance which convinces me that this mode of criminal proceeding is not, at least in the present stage of our contest, altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have traitors brought hither, under an Act of Henry the Eighth,° for trial. For though rebellion is declared, it is not proceeded against as such, nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former Address; but modes of public coercion have been adopted, and such

as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object by the sending of a force which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less. When I see things in this situation after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion that the plan itself is not correctly right.°

If, then, the removal of the causes of this spirit of American liberty be for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable — or, if applicable, are in the highest degree inexpedient; what way yet remains? No way is open but the third and last, — to comply with the American spirit as necessary; or, if you please, to submit to it as a necessary evil.

If we adopt this mode, — if we mean to conciliate and concede, — let us see of what nature the concession ought to be. To ascertain the nature of our concession, we must look at their complaint. The Colonies complain that they have not the characteristic mark and seal of British freedom. They complain that they are taxed in a Parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen start — but it is true; I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, Sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine whether the giving away a

man's money be a power excepted and reserved out of the general trust of government, and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature; or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other, where reason is perplexed, and an appeal to authorities only thickens the confusion; for high and reverend authorities lift up their heads on both sides, and there is no sure footing in the middle. This point is the great

> "Serbonian bog,
> Betwixt Damiata and Mount Casius old,
> Where armies whole have sunk."°

I do not intend to be overwhelmed in that bog, though in such respectable company. The question° with me is, not whether you have a right to render your people miserable, but whether it is not your interest to make them happy. It is not what a lawyer tells me I *may* do, but what humanity, reason, and justice tell me I *ought* to do. Is a politic act the worse for being a generous one? Is no concession proper but that which

is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of the thing tells me that the assertion of my title is the loss of my suit, and that I could do nothing but wound myself by the use of my own weapons?

Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this Empire by an unity of spirit, though in a diversity of operations, that, if I were sure the Colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their posterity to all generations; yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two million of men, impatient of servitude, on the principles of freedom. I am not determining a point of law, I am restoring tranquillity; and the general character and situation of a people must determine what sort of government

is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favor, is to admit the people of our Colonies into an interest in the Constitution; and, by recording that admission in the journals of Parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean forever to adhere to that solemn declaration of systematic indulgence.

Some years ago the repeal of a revenue Act, upon its understood principle, might have served to show that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events since that time may make something further necessary; and not more necessary for the satisfaction of the Colonies than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the House if this proposal in itself would be received with dislike. I think, Sir, we have few American financiers. But our misfortune is, we are too acute, we are too exquisite° in our conjectures of the future, for men oppressed with such great and

present evils. The more moderate among the opposers of Parliamentary concession freely confess that they hope no good from taxation, but they apprehend the Colonists have further views; and if this point were conceded, they would instantly attack the trade laws.° These gentlemen are convinced that this was the intention from the beginning, and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even of a gentleman of real moderation, and of a natural temper well adjusted to fair and equal government. I am, however, Sir, not a little surprised at this kind of discourse, whenever I hear it; and I am the more surprised on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths and on the same day.

For instance, when we allege that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord in the blue ribbon shall tell you that the restraints on trade are futile and useless —of no advantage to us, and of no burthen to those on whom they are imposed; that the trade to America is not secured by the Acts of Navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the Colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of Colony taxes to a clear admission of the futility of the scheme; then, Sir, the sleeping trade laws revive from their trance, and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, Sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value, and yet one is always to be defended for the sake of the other; but I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas concerning the inutility of the trade laws. For, without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times they have been of the greatest. They do confine, and they do greatly narrow, the

market for the Americans; but my perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations, or that these commercial regulations are the true ground of the quarrel, or that the giving way, in any one instance of authority, is to lose all that may remain unconceded.

One fact is clear and indisputable. The public and avowed origin of this quarrel was on taxation. This quarrel has indeed brought on new disputes on new questions; but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation? There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what

it is avowed to be. And I would, Sir, recommend to your serious consideration whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures? Surely it is preposterous at the very best. It is not justifying your anger by their misconduct, but it is converting your ill-will into their delinquency.

But the Colonies will go further. Alas! alas! when will this speculation against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct? Is it true that no case can exist in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there anything peculiar in this case to make a rule for itself? Is all authority of course lost when it is not pushed to the extreme? Is it a certain maxim that the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience, they did not, Sir, discourage me from entertaining the idea of a conciliatory concession founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavored to put myself in that frame of mind which was the most natural and the most reasonable, and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities, a total renunciation of every speculation of my own, and with a profound reverence for the wisdom of our ancestors who have left us the inheritance of so happy a constitution and so flourishing an empire, and, what is a thousand times more valuable, the treasury of the maxims and principles which formed the one and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them, and the issue of their affairs showed that they had not chosen the most perfect standard; but, Sir, I am sure that I shall not be misled when, in a case of constitutional difficulty, I consult the genius of the English Constitution. Consulting at that oracle — it was with all due humility and piety — I found four capital examples in a similar case before me; those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest,° though never governed by a despotic power, had no Parliament. How far the English Parliament itself was at that time modelled according to the present form is disputed among antiquaries; but we have all the reason in the world to be assured that a form of Parliament such as England then enjoyed she instantly communicated to Ireland, and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage and the feudal knighthood, the roots of our primitive Constitution, were early transplanted into that soil, and grew and flourished there. Magna Charta, if it did not give us originally the House of Commons, gave us at least a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to all Ireland. Mark the consequence. English authority and English liberties had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shows beyond a doubt that the refusal of a general communi-

cation of these rights was the true cause why Ireland was five hundred years in subduing; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English Constitution, that conquered Ireland. From that time Ireland has ever had a general Parliament, as she had before a partial Parliament. You changed the people; you altered the religion; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings;° you restored them; you altered the succession to theirs, as well as to your own Crown; but you never altered their Constitution, the principle of which was respected by usurpation, restored with the restoration of monarchy, and established, I trust, forever, by the glorious Revolution. This has made Ireland the great and flourishing kingdom that it is, and, from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles and on the hinge of

great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment, if the casual deviations from them at such times were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the Constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve, if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come, and learn to respect that only source of public wealth in the British Empire.

My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the realm of England. Its old Constitution, whatever that might have been, was destroyed, and no good one was substituted in its place. The care of that tract was put into the hands of Lords Marchers° — a form of government of a very singular kind; a strange heterogeneous monster, something between hostility

and government; perhaps it has a sort of resemblance, according to the modes of those terms, to that of Commander-in-chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the government. The people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder, and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, Parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an Act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another Act, where one of the parties was an Englishman, they ordained that his trial should be always by English.

They made Acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the Statute Book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands. — A fine body of precedents for the authority of Parliament and the use of it! — I admit it fully; and pray add likewise to these precedents that all the while Wales rid this Kingdom like an incubus, that it was an unprofitable and oppressive burthen, and that an Englishman travelling in that country could not go six yards from the high road without being murdered.

The march of the human mind is slow. Sir, it was not until after two hundred years discovered that, by an eternal law, providence had decreed vexation to violence, and poverty to rapine. Your ancestors did however at length open their eyes to the ill-husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured, and that laws made against a whole nation were not the most effectual methods of securing its obedience. Accordingly, in the twenty-seventh year of Henry the

Eighth the course was entirely altered. With a preamble stating the entire and perfect rights of the Crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the Marches were turned into Counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties — the grant of their own property — seemed a thing so incongruous that, eight years after, that is, in the thirty-fifth of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales by Act of Parliament. From that moment, as by a charm, the tumults subsided; obedience was retored; peace, order, and civilization followed in the train of liberty. When the day-star of the English Constitution had arisen in their hearts, all was harmony within and without —

"— simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor;
Concidunt venti, fugiuntque nubes,
Et minax (quod sic voluere) ponto
Unda recumbit."[9]

The very same year the County Palatine of Chester received the same relief from its oppressions and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others; and from thence Richard the Second drew the standing army of archers with which for a time he oppressed England. The people of Chester applied to Parliament in a petition penned as I shall read to you:

"To the King, our Sovereign Lord, in most humble wise shewen unto your excellent Majesty the inhabitants of your Grace's County Palatine of Chester: (1) That where the said County Palatine of Chester is and hath been always hitherto exempt, excluded, and separated out and from your High Court of Parliament, to have any Knights and Burgesses within the said Court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said county; (2) And forasmuch as the said inhabitants have always hitherto been bound by the Acts and Statutes made and ordained by your said Highness and your most noble progenitors, by authority of the said Court, as far forth as other counties, cities, and boroughs have been, that have had their Knights and Burgesses within your

said Court of Parliament; and yet have had neither Knight ne Burgess there for the said County Palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with Acts and Statutes made within the said Court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said County Palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your Grace's most bounden subjects inhabiting within the same."

What did Parliament with this audacious address? — Reject it as a libel? Treat it as an affront to Government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common hangman? — They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint — they made it the very preamble to their Act of redress, and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom, and not servitude, is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of

Charles the Second with regard to the County Palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed that the style of the preamble is nearly the same with that of the Chester Act; and, without affecting the abstract extent of the authority of Parliament, it recognizes the equity of not suffering any considerable district in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now if the doctrines of policy contained in these preambles, and the force of these examples in the Acts of Parliaments, avail anything, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the Act of Henry the Eighth says the Welsh speak a language no way resembling that of his Majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the Colonies. Is America in rebellion?

Wales was hardly ever free from it. Have you at tempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America. Was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic than pervade Wales, which lies in your neighborhood — or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

You will now, Sir, perhaps imagine that I am on the point of proposing to you a scheme for a representation of the Colonies in Parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura.*° — I cannot remove the eternal barriers of the creation. The thing, in that mode, I do not know to be possible. As I meddle with no theory,° I do not absolutely

assert the impracticability of such a representation; but I do not see my way to it, and those who have been more confident have not been more successful. However, the arm of public benevolence is not shortened, and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged, for the ways and means of this substitute, to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths — not to the Republic of Plato,° not to the Utopia of More,° not to the Oceana of Harrington. It is before me — it is at my feet,

> "And the rude swain
> Treads daily on it with his clouted shoon."°

I only wish you to recognize, for the theory, the ancient constitutional policy of this kingdom with regard to representation, as that policy has been declared in Acts of Parliament; and as to the practice, to return to that mode which a uniform experience

has marked out to you as best, and in which you walked with security, advantage, and honor, until the year 1763.°

My Resolutions therefore mean to establish the equity and justice of a taxation of America by *grant*, and not by *imposition;* to mark the *legal competency*° of the Colony Assemblies for the support of their government in peace, and for public aids in time of war; to acknowledge that this legal competency has had a *dutiful and beneficial exercise;* and that experience has shown the *benefit of their grants* and the *futility of Parliamentary taxation* as a method of supply.

These solid truths compose six fundamental propositions. There are three more Resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence that, if you admitted these, you would command an immediate peace, and, with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The

propositions are all mere matters of fact, and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you, together with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a Resolution —

> "That the Colonies and Plantations of Great Britain in North America, consisting of fourteen separate Governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any Knights and Burgesses, or others, to represent them in the High Court of Parliament."

This is a plain matter of fact, necessary to be laid down, and, excepting the description, it is laid down in the language of the Constitution; it is taken nearly *verbatim* from Acts of Parliament.

The second is like unto the first —

> "That the said Colonies and Plantations have been liable to, and bounden by, several subsidies, payments, rates, and taxes given and granted by Parliament, though the said Colonies and Plantations have not their Knights and Burgesses in the said High Court of Parliament, of their own

election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said Court, in a manner prejudicial to the commonwealth, quietness, rest, and peace of the subjects inhabiting within the same."

Is this description too hot, or too cold; too strong, or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient Acts of Parliament.

"Non meus hic sermo, sed quæ præcepit Ofellus,
Rusticus, abnormis sapiens." °

It is the genuine produce of the ancient, rustic, manly, homebred sense of this country. — I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys, the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly Constitutional materials. Above all things, I was resolved not to be guilty of tampering, the odious vice of restless and

unstable minds. I put my foot in the tracks of our forefathers, where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words, to let others abound in their own sense, and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.°

There are indeed words expressive of grievance in this second Resolution, which those who are resolved always to be in the right will deny to contain matter of fact, as applied to the present case, although Parliament thought them true with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial; but men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the twopence lost that constitutes the capital

outrage. This is not confined to privileges. Even ancient indulgences, withdrawn without offence on the part of those who enjoyed such favors, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all either wholly repealed, or exceedingly reduced? Were they not touched and grieved even by the regulating duties of the sixth of George the Second? Else, why were the duties first reduced to one third in 1764, and afterwards to a third of that third in the year 1766? Were they not touched and grieved by the Stamp Act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which Lord Hillsborough tells you, for the Ministry, were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the Colonies of a resolution to lay no more taxes on them an admission that taxes would touch and grieve them? Is not the Resolution of the noble lord in the blue ribbon, now standing on your Journals, the strongest of all proofs that Parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

The next proposition is —

"That, from the distance of the said Colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in Parliament for the said Colonies."

This is an assertion of a fact. I go no further on the paper, though, in my private judgment, a useful representation is impossible — I am sure it is not desired by them, nor ought it perhaps by us — but I abstain from opinions.

The fourth Resolution is —

"That each of the said Colonies hath within itself a body, chosen in part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or General Court; with powers legally to raise, levy, and assess, according to the several usage of such Colonies, duties and taxes towards defraying all sorts of public services."

This competence in the Colony Assemblies is certain. It is proved by the whole tenor of their Acts of Supply in all the Assemblies, in which the constant style of granting is, "an aid to his Majesty"; and Acts granting to the Crown have regularly for near a century passed the public offices without dispute. Those who have been pleased paradoxically to deny

this right, holding that none but the British Parliament can grant to the Crown, are wished to look to what is done, not only in the Colonies, but in Ireland, in one uniform unbroken tenor every session. Sir, I am surprised that this doctrine should come from some of the law servants of the Crown. I say that if the Crown could be responsible, his Majesty — but certainly the Ministers, — and even these law officers themselves through whose hands the Acts passed, biennially in Ireland, or annually in the Colonies — are in an habitual course of committing impeachable offences. What habitual offenders have been all Presidents of the Council, all Secretaries of State, all First Lords of Trade, all Attorneys and all Solicitors-General! However, they are safe, as no one impeaches them; and there is no ground of charge against them except in their own unfounded theories.

The fifth Resolution is also a resolution of fact —

> "That the said General Assemblies, General Courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal Secretaries of State; and that their right to grant the same, and their cheerfulness and sufficiency in the said

grants, have been at sundry times acknowledged by Parliament."

To say nothing of their great expenses in the Indian wars, and not to take their exertion in foreign ones so high as the supplies in the year 1695 — not to go back to their public contributions in the year 1710 — I shall begin to travel only where the journals give me light, resolving to deal in nothing but fact, authenticated by Parliamentary record, and to build myself wholly on that solid basis.

On the 4th of April, 1748, a Committee of this House came to the following resolution:

"Resolved: That it is the opinion of this Committee that it is just and reasonable that the several Provinces and Colonies of Massachusetts Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the Crown of Great Britain the Island of Cape Breton and its dependencies."

The expenses were immense for such Colonies. They were above £200,000 sterling; money first raised and advanced on their public credit.

On the 28th of January, 1756, a message from the King came to us, to this effect:

"His Majesty, being sensible of the zeal and vigor with which his faithful subjects of certain Colonies in North America

> have exerted themselves in defence of his Majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his Majesty to give them such assistance as may be a proper reward and encouragement."

On the 3d of February, 1756, the House came to a suitable Resolution, expressed in words nearly the same as those of the message, but with the further addition, that the money then voted was as an encouragement to the Colonies to exert themselves with vigor. It will not be necessary to go through all the testimonies which your own records have given to the truth of my Resolutions. I will only refer you to the places in the Journals:

> Vol. xxvii. — 16th and 19th May, 1757.
> Vol. xxviii. — June 1st, 1758; April 26th and 30th, 1759; March 26th and 31st, and April 28th, 1760; Jan. 9th and 20th, 1761.
> Vol. xxix. — Jan. 22d and 26th, 1762; March 14th and 17th, 1763.

Sir, here is the repeated acknowledgment of Parliament that the Colonies not only gave, but gave to satiety. This nation has formally acknowledged two things: first, that the Colonies had gone beyond their abilities, Parliament having thought it necessary to

reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My Resolution therefore does nothing more than collect into one proposition what is scattered through your Journals. I give you nothing but your own; and you cannot refuse in the gross what you have so often acknowledged in detail. The admission of this, which will be so honorable to them and to you, will, indeed, be mortal to all the miserable stories by which the passions of the misguided people° have been engaged in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears, that reason and justice demanded that the Americans, who paid no taxes, should be compelled to contribute. How did that fact of their paying nothing stand when the taxing system began? When Mr. Grenville began to form his system of American revenue, he stated in this House that the Colonies were then in debt two millions six hundred thousand pounds sterling money, and was of opinion they would discharge that debt in

four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the Colonies and he expected. The calculation was too sanguine; the reduction was not completed till some years after, and at different times in different Colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burthens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No Colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the Crown, and the sense of Parliament, on the productive nature of a *revenue by grant*. Now search the same Journals for the produce of the *revenue by imposition*. Where is it? Let us know the volume and the page. What is the gross, what is the net produce? To what service is it applied? How have you appropriated its surplus? What! Can none of the many skilful index-makers that we are now employing find any trace of it? — Well, let them and that rest together. But are the

Journals, which say nothing of the revenue, as silent on the discontent? Oh no! a child may find it. It is the melancholy burthen and blot of every page.

I think, then, I am, from those Journals, justified in the sixth and last Resolution, which is —

> "That it hath been found by experience that the manner of granting the said supplies and aids, by the said General Assemblies, hath been more agreeable to the said Colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids in Parliament, to be raised and paid in the said Colonies."

This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert that you took on yourselves the task of imposing Colony taxes from the want of another legal body that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now, on all this accumulated matter, is: whether you will choose to abide by a profitable experience, or a mischievous theory; whether you

choose to build on imagination, or fact; whether you prefer enjoyment, or hope; satisfaction in your subjects, or discontent?

If these propositions are accepted, everything which has been made to enforce a contrary system must, I take it for granted, fall along with it. On that ground, I have drawn the following Resolution, which, when it comes to be moved, will naturally be divided in a proper manner:

"That it may be proper to repeal an Act° made in the seventh year of the reign of his present Majesty, entitled, An Act for granting certain duties in the British Colonies and Plantations in America; for allowing a drawback of the duties of customs upon the exportation from this Kingdom of coffee and cocoa-nuts of the produce of the said Colonies or Plantations; for discontinuing the drawbacks payable on china earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said Colonies and Plantations. And that it may be proper to repeal an Act° made in the fourteenth year of the reign of his present Majesty, entitled, An Act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares, and merchandise at the town and within the harbor of Boston, in the Province of Massachusetts Bay, in North America. And that it may be proper to repeal an Act made in the fourteenth year of

the reign of his present Majesty, entitled, An Act for the impartial administration of justice° in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the Province of Massachusetts Bay, in New England. And that it may be proper to repeal an Act made in the fourteenth year of the reign of his present Majesty, entitled, An Act for the better regulating° of the Government of the Province of the Massachusetts Bay, in New England. And also that it may be proper to explain and amend an Act made in the thirty-fifth year of the reign of King Henry the Eighth, entitled, An Act for the Trial of Treasons° committed out of the King's Dominions."

I wish, Sir, to repeal the Boston Port Bill, because — independently of the dangerous precedent of suspending the rights of the subject during the King's pleasure — it was passed, as I apprehend, with less regularity and on more partial principles than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the Restraining Bill of the present session does not go to the length of the Boston Port Act. The same ideas of prudence which induced you not to extend equal punishment to equal guilt, even when you were punishing, induced me, who mean not to chas-

tise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence and accommodation to circumstances prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachusetts Bay, though the Crown has far less power in the two former provinces than it enjoyed in the latter, and though the abuses have been full as great, and as flagrant, in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachusetts Bay. Besides, Sir, the Act which changes the charter of Massachusetts is in many particulars so exceptionable that if I did not wish absolutely to repeal, I would by all means desire to alter it, as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the Governor to change the sheriff at his pleasure, and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English laws.

The Act for bringing persons accused of committing murder, under the orders of Government to England for trial, is but temporary. That Act has calculated the probable duration of our quarrel with the Colonies,

and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation, and therefore must, on my principle, get rid of that most justly obnoxious Act.

The Act of Henry the Eighth, for the Trial of Treasons, I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for trial of treasons — and the greatest treasons may be committed — in places where the jurisdiction of the Crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the Colonies a fair and unbiassed judicature, for which purpose, Sir, I propose the following Resolution:

"That, from the time when the General Assembly or General Court of any Colony or Plantation in North America shall have appointed by Act of Assembly, duly confirmed, a settled salary to the offices of the Chief Justice and other Judges of the Superior Court, it may be proper that the said Chief Justice and other Judges of the Superior Courts of such Colony shall hold his and their office and offices during their good behavior, and shall not be removed therefrom but when the said removal shall be adjudged by his Majesty in Council, upon a hearing on complaint from the General Assembly, or on a complaint from the Governor, or Council, or the House of Repre-

sentatives severally, or of the Colony in which the said Chief Justice and other Judges have exercised the said offices."

The next Resolution relates to the Courts of Admiralty. It is this:

"That it may be proper to regulate the Courts of Admiralty or Vice-Admiralty authorized by the fifteenth Chapter of the Fourth of George the Third, in such a manner as to make the same more commodious to those who sue, or are sued, in the said Courts, and to provide for the more decent maintenance of the Judges in the same."

These courts I do not wish to take away; they are in themselves proper establishments. This court is one of the capital securities of the Act of Navigation. The extent of its jurisdiction, indeed, has been increased, but this is altogether as proper, and is indeed on many accounts more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court partaking in the fruits of its own condemnation is a robber. The Congress complain, and complain justly, of this grievance.

These are the three consequential propositions. I have thought of two or three more, but they come rather too near detail, and to the province of execu-

tive government, which I wish Parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly incumbrances on the building, than very materially detrimental to its strength and stability.

Here, Sir, I should close; but I plainly perceive some objections remain which I ought, if possible, to remove. The first will be that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester Act, I prove too much; that the grievance from a want of representation, stated in that preamble, goes to the whole of legislation as well as to taxation; and that the Colonies, grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, that the words are the words of Parliament, and not mine, and that all false and inconclusive inferences drawn from them are not mine, for I heartily disclaim any such inference. I have chosen the words of an Act of Parliament which Mr. Grenville, surely

a tolerably zealous and very judicious advocate for the sovereignty of Parliament, formerly moved to have read at your table in confirmation of his tenets. It is true that Lord Chatham considered these preambles as declaring strongly in favor of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume that these preambles are as favorable as possible to both, when properly understood; favorable both to the rights of Parliament, and to the privilege of the dependencies of this Crown? But, Sir, the object of grievance in my Resolution I have not taken from the Chester, but from the Durham Act, which confines the hardship of want of representation to the case of subsidies, and which therefore falls in exactly with the case of the Colonies. But whether the unrepresented counties were *de jure* or *de facto*° bound, the preambles do not accurately distinguish, nor indeed was it necessary; for, whether *de jure* or *de facto*, the Legislature thought the exercise of the power of taxing as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know that the Colonies have, in any general way, or in any cool hour, gone much beyond the demand of humanity in relation to taxes. It is not fair

to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct or their expressions in a state of disturbance and irritation. It is besides a very great mistake to imagine that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our Constitution, or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and we choose rather to be happy citizens than subtle disputants. As we must give away some natural liberty to enjoy civil advantages, so we must sacrifice some civil liberties for the advantages to be derived from the communion and fellowship of a great empire. But, in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away the im-

mediate jewel of his soul.° Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear to pay for it all essential rights and all the intrinsic dignity of human nature. None of us who would not risk his life rather than fall under a government purely arbitrary. But although there are some amongst us who think our Constitution wants many improvements to make it a complete system of liberty, perhaps none who are of that opinion would think it right to aim at such improvement by disturbing his country, and risking everything that is dear to him. In every arduous enterprise we consider what we are to lose, as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are the cords of man. Man acts from adequate motives relative to his interest, and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not

oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature when they see them the acts of that power which is itself the security, not the rival, of their secondary importance. In this assurance my mind most perfectly acquiesces, and I confess I feel not the least alarm from the discontents which are to arise from putting people at their ease, nor do I apprehend the destruction of this Empire from giving, by an act of free grace and indulgence, to two millions of my fellow-citizens some share of those rights upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American Assemblies, would dissolve the unity of the Empire, which was preserved entire, although Wales, and Chester, and Durham were added to it. Truly, Mr. Speaker, I do not know what this unity means, nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts excludes this notion of simple and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent, legislature, which, far from distracting, promoted the union of the whole.

Everything was sweetly and harmoniously disposed through both islands for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this Empire than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord on the floor, which has been so lately received and stands on your Journals. I must be deeply concerned whenever it is my misfortune to continue a difference with the majority of this House; but as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large when the question was before the Committee.

First, then, I cannot admit that proposition of a

ransom° by auction; because it is a mere project. It is a thing new, unheard of; supported by no experience; justified by no analogy; without example of our ancestors, or root in the Constitution. It is neither regular Parliamentary taxation, nor Colony grant. *Experimentum in corpore vili*° is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects, the peace of this Empire.

Secondly, it is an experiment which must be fatal in the end to our Constitution. For what is it but a scheme for taxing the Colonies in the ante-chamber of the noble lord and his successors? To settle the quotas and proportions in this House is clearly impossible. You, Sir, may flatter yourself you shall sit a state auctioneer, with your hammer in your hand, and knock down to each Colony as it bids. But to settle, on the plan laid down by the noble lord, the true proportional payment for four or five and twenty governments according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burthen, is a wild and chimerical notion. This new taxation must therefore come in by the back door of the Constitution. Each quota must be brought to this House ready formed; you can neither add nor

alter. You must register it. You can do nothing further; for on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the Committee of Provincial Ways and Means, or by whatever other name it will delight to be called, must swallow up all the time of Parliament.

Thirdly, it does not give satisfaction to the complaint of the Colonies. They complain that they are taxed without their consent; you answer, that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them, indeed, that you will leave the mode to themselves. I really beg pardon — it gives me pain to mention it — but you must be sensible that you will not perform this part of the compact. For, suppose the Colonies were to lay the duties, which furnished their contingent, upon the importation of your manufactures, you know you would never suffer such a tax to be laid. You know, too, that you would not suffer many other modes of taxation; so that, when you come to explain yourself, it will be found that you will neither leave to themselves the quantum nor the

mode, nor indeed anything. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be universally accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say nothing of the impossibility that Colony agents should have general powers of taxing the Colonies at their discretion, consider, I implore you, that the communication by special messages and orders between these agents and their constituents, on each variation of the case, when the parties come to contend together and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion that never can have an end.

If all the Colonies do not appear at the outcry, what is the condition of those assemblies who offer, by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory Colonies who refuse all composition will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient Colonies in this scheme are heavily taxed; the refractory remain unburdened. What will you do? Will you lay new and heavier taxes by Parliament on the

disobedient? Pray consider in what way you can do it. You are perfectly convinced that, in the way of taxing, you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota, how will you put these Colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death-wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious Colony, what do you tax but your own manufactures, or the goods of some other obedient and already well-taxed Colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you with a clue to lead you out of it? I think, Sir, it is impossible that you should not recollect that the Colony bounds are so implicated in one another, — you know it by your other experiments in the bill for prohibiting the New England fishery, — that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burthen those whom, upon every principle, you ought to exonerate. He

must be grossly ignorant of America who thinks that, without falling into this confusion of all rules of equity and policy, you can restrain any single Colony, especially Virginia and Maryland, the central and most important of them all.

Let it also be considered that, either in the present confusion you settle a permanent contingent, which will and must be trifling, and then you have no effectual revenue; or you change the quota at every exigency, and then on every new repartition you will have a new quarrel.

Reflect, besides, that when you have fixed a quota for every Colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years' arrears. You cannot issue a Treasury Extent against the failing Colony. You must make new Boston Port Bills, new restraining laws, new acts for dragging men to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the Empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the Colonies, which one time or other must consume this whole Empire. I allow indeed that the empire of Germany raises her revenue and her troops by quotas and contingents; but the

revenue of the empire, and the army of the empire, is the worst revenue and the worst army in the world.

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed, the noble lord who proposed this project of a ransom by auction seems himself to be of that opinion. His project was rather designed for breaking the union of the Colonies than for establishing a revenue. He confessed he apprehended that his proposal would not be to their taste. I say this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But whatever his views may be, as I propose the peace and union of the Colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple. The other full of perplexed and intricate mazes. This is mild; that harsh. This is found by experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain Colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of

a ruling people — gratuitous, unconditional, and not held out as a matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburthened by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs I have steadily opposed the measures that have produced the confusion, and may bring on the destruction, of this Empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

But what, says the financier, is peace to us without money? Your plan gives us no revenue. No! But it does; for it secures to the subject the power of refusal, the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever dis-

covered by the skill or by the fortune of man. It does not indeed vote you £152,750 11*s.* 2¾*d.*, nor any other paltry limited sum; but it gives the strong box itself, the fund, the bank — from whence only revenues can arise amongst a people sensible of freedom. *Posita luditur arca.*° Cannot you, in England — cannot you, at this time of day — cannot you, a House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140,000,000 in this country? Is this principle to be true in England, and false everywhere else? Is it not true in Ireland? Has it not hitherto been true in the Colonies? Why should you presume that, in any country, a body duly constituted for any function will neglect to perform its duty and abdicate its trust? Such a presumption° would go against all governments in all modes. But, in truth, this dread of penury of supply from a free assembly has no foundation in nature; for first, observe that, besides the desire which all men have naturally of supporting the honor of their own government, that sense of dignity and that security to property which ever attends freedom has a tendency to increase the stock of the free community. Most may be-taken where most is accumulated. And what is the soil or climate where

experience has not uniformly proved that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue than could be squeezed from the dry husks of oppressed indigence by the straining of all the politic machinery in the world?°

Next, we know that parties must ever exist in a free country. We know, too, that the emulations of such parties — their contradictions, their reciprocal necessities, their hopes, and their fears — must send them all in their turns to him that holds the balance of the State. The parties are the gamesters; but Government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted, than that Government will not be supplied; whereas, whatever is got by acts of absolute power ill obeyed, because odious, or by contracts ill kept, because constrained, will be narrow, feeble, uncertain, and precarious.

"Ease would retract
Vows made in pain, as violent and void."

I, for one, protest against compounding our demands. I declare against compounding, for a poor limited

sum, the immense, ever-growing, eternal debt which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the Colonies to a sum certain, either in the way of ransom or in the way of compulsory compact.

But to clear up my ideas on this subject: a revenue from America transmitted hither — do not delude yourselves — you never can receive it; no, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition, what can you expect from North America? For certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes. If America gives you taxable objects on which you lay your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments, she may, I doubt not she will, contribute

in moderation. I say in moderation, for she ought not to be permitted to exhaust herself. She ought to be reserved to a war, the weight of which, with the enemies° that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service — for all service, whether of revenue, trade, or empire — my trust is in her interest in the British Constitution. My hold of the Colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air,° are as strong as links of iron. Let the Colonists always keep the idea of their civil rights associated with your government, — they will cling and grapple to you,° and no force under heaven will be of power to tear them from their allegiance. But let it be once understood that your government may be one thing, and their privileges another, that these two things may exist without any mutual relation, the cement is gone °— the cohesion is loosened — and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wher-

ever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere — it is a weed that grows in every soil. They may have it from Spain; they may have it from Prussia. But, until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price of which you have the monopoly. This is the true Act of Navigation which binds to you the commerce of the Colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve, the unity of the Empire. Do not entertain so weak an imagination as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of the mysterious whole. These things do not make your government. Dead instruments, passive

tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English Constitution which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the Empire, even down to the minutest member.

Is it not the same virtue which does everything for us here in England? Do you imagine, then, that it is the Land Tax Act which raises your revenue? that it is the annual vote in the Committee of Supply which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd° of those vulgar and mechanical politicians who have no place among us; a sort of people who think that nothing exists but what is gross and material, and who, therefore, far from being qualified to be directors of the great move-

ment of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth everything, and all in all. Magnanimity[2] in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our station, and glow with zeal to fill our places as becomes our situation and ourselves, we ought to auspicate[3] all our public proceedings on America with the old warning of the church, *Sursum corda!*[3] We ought to elevate our minds to the greatness of that trust to which the order of providence has called us. By adverting to the dignity of this high calling our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive and the only honorable conquests — not by destroying, but by promoting the wealth, the number, the happiness, of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now, *quod felix faustumque sit*,[3] lay the first stone of the Temple of Peace; and I move you —

"That the Colonies and Plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any Knights and Burgesses, or others, to represent them in the High Court of Parliament."

NOTES

1, 9. **grand penal bill.** This bill originated with Lord North. It restricted the trade of the New England colonies to England and her dependencies. It also placed serious limitations upon the Newfoundland fisheries. The House of Lords was dissatisfied with the measure because it did not include all the colonies.

2, 14. **When I first had the honor.** Burke was first elected to Parliament Dec. 26, 1765. He was at the time secretary to Lord Rockingham, Prime Minister. Previous to this he had made himself thoroughly familiar with England's policy in dealing with her dependencies — notably Ireland.

3, 14. **my original sentiments.** After many demonstrations both in America and England the Stamp Act became a law in 1765. One of the first tasks the Rockingham ministry set itself was to bring about a repeal of this act. Burke made his first speech in support of his party. He argued that the abstract and theoretical rights claimed by England in matters of government should be set aside when they were unfavorable to the happiness and prosperity of her colonies and herself. His speech was complimented by Pitt, and Dr. Johnson wrote that no new member had ever before attracted such attention.

4, 1. **America has been kept in agitation.** For a period of nearly one hundred years the affairs of the colonies had been intrusted to a standing committee appointed by Parliament. This committee was called "The Lords of Trade." From its members came many if not the majority of the propositions for the regulation of the American trade. To them the colonial governors, who were appointed by the king, gave full accounts of the proceedings of the colonial legislatures. These reports, often colored by personal prejudice, did not always represent the colonists in the best light. It was mainly through the influence of one of the former Lords of Trade, Charles Townshend, who afterwards became the leading voice in the Pitt ministry, that the Stamp Act was passed.

4, 10. **a worthy member.** Mr. Rose Fuller.

4, 15. **former methods.** Condense the thought in this paragraph. Are such "methods" practised nowadays?

6, 3. **paper government.** Burke possibly had in mind the constitution prepared for the Carolinas by John Locke and Earl of Shaftesbury. The scheme was utterly impracticable and gave cause for endless dissatisfaction.

8, 1. **Refined policy.** After a careful reading of the paragraph determine what Burke means by "refined policy."

8, 13. **the project.** The bill referred to had been passed by the House on Feb. 27. It provided that those colonies which voluntarily voted contributions for the common defence and support of the English government, and in addition made provision for the administration of their own civil affairs, should be exempt from taxation, except such as was necessary for the

regulation of trade. It has been declared by some that the measure was meant in good faith and that its recognition and acceptance by the colonies would have brought good results. Burke, along with others of the opposition, argued that the intention of the bill was to cause dissension and division among the colonies. Compare 7, 11–12. State your opinion and give reasons.

8, 14. **the noble lord in the blue ribbon.** Lord North (1732–1792). He entered Parliament at the age of twenty-two, served as Lord of the Treasury, 1759; was removed by Rockingham, 1765; was again appointed by Pitt to the office of Joint Paymaster of the Forces; became Prime Minister, 1770, and resigned, 1781. Lord North is described both by his contemporaries and later historians as an easy-going, indolent man, short-sighted and rather stupid, though obstinate and courageous. He was the willing servant of George III., and believed in the principle of authority as opposed to that of conciliation. The blue ribbon was the badge of the Order of the Garter instituted by Edward III. Lord North was made a Knight of the Garter, 1772. Burke often mentions the "blue ribbon" in speaking of the Prime Minister. Why?

8, 16. **Colony agents.** It was customary for colonies to select some one to represent them in important matters of legislation. Burke himself served as the agent of New York. Do you think this fact accounts in any way for his attitude in this speech?

9, 5. **our address.** Parliament had prepared an address to the king some months previous, in which Massachusetts was

declared to be in a state of rebellion. The immediate cause of this address was the Boston Tea Party. The lives and fortunes of his Majesty's subjects were represented as being in danger, and he was asked to deal vigorously not only with Massachusetts but with her sympathizers.

10, 16. **those chances.** Suggested perhaps by lines in *Julius Cæsar*, IV., iii., 216–219 : —

> "There is a tide in the affairs of men,
> Which, taken at the flood, leads on to fortune:
> Omitted, all the voyage of their life
> Is bound in shallows and in miseries."

11, 8. according to that nature and to those circumstances. Compare with 8, 1. Point out the connection between the thought here expressed and Burke's idea of "expediency."

17, 9. **great consideration.** This paragraph has been censured for its too florid style. It may be rather gorgeous and rhetorical when considered as part of an argument, yet it is very characteristic of Burke as a writer. In no other passage of the speech is there such vivid clear-cut imagery. Note the picturesque quality of the lines and detect if you can any confusion in figures.

17, 10. **It is good for us to be here.** Burke's favorite books were Shakespeare, Milton, and the Bible. Trace the above sentence to one of these.

17, 21.

> "Facta parentum
> Jam legere et quæ sit poteris cognoscere virtus."
> — VIRGIL'S *Eclogues*, IV., 26, 27.

Notice the alteration. Already old enough to study the deeds of his father and to know what virtue is.

18, 20. **before you taste of death.** Compare 17, 10.

20, 25. **Roman charity.** This suggests the more famous "Ancient Roman honor" (*Merchant of Venice*, III., ii., 291). The incident referred to by Burke is told by several writers. A father condemned to death by starvation is visited in prison by his daughter, who secretly nourishes him with milk from her breasts.

23, 7. **complexions.** "Mislike me not for my *complexion*." — *M. V.* Is the word used in the same sense by Burke?

23, 10. **the thunder of the state.** What is the classical allusion?

23, 21. **a nation is not governed.**

> "Who overcomes
> By force hath overcome but half his foe."
> — *Paradise Lost*, I., 648, 649.

24, 23. **Our ancient indulgence.** "The wise and salutary neglect," which Burke has just mentioned, was the result of (*a*) the struggle of Charles I. with Parliament, (*b*) the confusion and readjustment at the Restoration, (*c*) the Revolution of 1688, (*d*) the attitude of France in favoring the cause of the Stuarts, (*e*) the ascendency of the Whigs. England had her hands full in attending to affairs at home. As a result of this the colonies were practically their own masters in matters of government. Also the political party known as the Whigs had its origin shortly before William and Mary ascended the throne. This

party favored the colonies and respected their ideas of liberty and government.

26, 14. **great contests.** One instance of this is Magna Charta. Suggest others.

30, 24. **Freedom is to them.** Such keen analysis and subtle reasoning is characteristic of Burke. It is this tendency that justifies some of his admirers in calling him "Philosopher Statesman." Consider his thought attentively and determine whether or not his argument is entirely sound. Is he correct in speaking of our Gothic ancestors?

33, 2. **Abeunt studia in mores.** Studies become a part of character.

33, 20. **winged ministers of vengeance.** A figure suggested perhaps by Horace, *Odes*, Bk. IV., 4: "Ministrum fulminis alitem" — the thunder's winged messenger.

34, 4. **the circulation.** The *Conciliation*, as all of Burke's writings, is rich in such figurative expressions. In every instance the student should discover the source of the figure and determine definitely whether or not his author is accurate and suggestive.

35, 19. **its imperfections.**

> "But sent to my account
> With all my imperfections upon my head."
> — *Hamlet*, I., v., 78, 79.

37, 23. **same plan.** The act referred to, known as the Regulating Act, became a law May 10, 1774. It provided (*a*) that the council, or the higher branch of the legislature, should be appointed by the Crown (the popular assemblies had previously

selected the members of the council); (*b*) that officers of the common courts should be chosen by the royal governors, and (*c*) that public meetings (except for elections) should not be held without the sanction of the king. These measures were practically ignored. By means of circular letters the colonies were fully instructed through their representatives. As a direct result of the Regulating Act, along with other high-handed proceedings of the same sort, delegates were secretly appointed for the Continental Congress on Sept. 1 at Philadelphia. The delegates from Massachusetts were Samuel Adams, John Adams, Robert Paine, and Thomas Cushing.

38, 25. **their liberties.** Compare 26, 14.

39, 12. **sudden or partial view.** Goodrich, in his *Select British Eloquence*, speaking of Burke's *comprehensiveness* in discussing his subject, compares him to one standing upon an eminence, taking a large and rounded view of it on every side. The justice of this observation is seen in such instances as the above. It is this breadth and clearness of vision more than anything else that distinguishes Burke so sharply from his contemporaries.

39, 16. **three ways.** How does the first differ from the third?

43, 21. **Spoliatis arma supersunt.** Though plundered their arms still remain.

44, 4. **your speech would betray you.** "Thy speech bewrayeth thee." — Matt. xxvi. 73. There is much justice in the observation that Burke is often verbose, yet such paragraphs as this prove how well he knew to condense and prune his expres-

sion. It is an excellent plan to select from day to day passages of this sort and commit them to memory for recitation when the speech has been finished.

45, 10. **to persuade slaves.** Does this suggest one of Byron's poems?

45, 23. **causes of quarrel.** The Assembly of Virginia in 1770 attempted to restrict the slave trade. Other colonies made the same effort, but Parliament vetoed these measures, accompanying its action with the blunt statement that the slave trade was profitable to England. Observe how effectively Burke uses his wide knowledge of history.

48, 18. **ex vi termini.** From the force of the word.

49, 23. **abstract right.** Compare with 11, 8; also 8, 1 Point out connection in thought.

50, 20. Act of Henry the Eighth. Burke alludes to this in his letter to the sheriffs of Bristol in the following terms: "To try a man under this Act is to condemn him unheard. A person is brought hither in the dungeon of a ship hold; thence he is vomited into a dungeon on land, loaded with irons, unfurnished with money, unsupported by friends, three thousand miles from all means of calling upon or confronting evidence, where no one local circumstance that tends to detect perjury can possibly be judged of; — such a person may be executed according to form, but he can never be tried according to justice."

51, 17. **correctly right.** Explain.

53, 16. *Paradise Lost*, II., 392–394.

53, 18–24; 54, 1–10. This passage should be carefully studied. Burke's theory of government is given in the *Conciliation* by

just such lines as these. Refer to other instances of principles which he considers fundamental in matters of government.

55, 24. **exquisite.** Exact meaning?

56, 5. **trade laws.** What would have been the nature of a change beneficial to the colonies?

61, 1. **English conquest.** At Henry II.'s accession, 1154, Ireland had fallen from the civilization which had once flourished upon her soil and which had been introduced by her missionaries into England during the seventh century. Henry II. obtained the sanction of the Pope, invaded the island, and partially subdued the inhabitants. For an interesting account of England's relations to Ireland the student should consult Green's *Short History of the English People.*

62, 13. **You deposed kings.** What English kings have been deposed?

63, 23. **Lords Marchers.** *March*, boundary. These lords were given permission by the English kings to take from the Welsh as much land as they could. They built their castles on the boundary line between the two countries, and when they were not quarrelling among themselves waged a guerilla warfare against the Welsh. The Lords Marchers, because of special privileges and the peculiar circumstances of their life, were virtually kings — petty kings, of course.

66, 25. "When the clear star has shone upon the sailors, the troubled water flows down from the rocks, the winds fall, the clouds fade away, and, since they (Castor and Pollux) have so willed it, the threatening waves settle on the deep." — HORACE, *Odes*, I., 12, 27–32.

70, 22. **Opposuit natura.** Nature opposed.

70, 25. **no theory.** Compare 33, 11–25; 34, 1–18. Select other instances of Burke's impatience with fine-spun theories in statescraft.

71, 15. **Republic of Plato. Utopia of More.** Ideal states. Consult the *Century Dictionary.*

71, 19.

"And the *dull* swain
Treads daily on it with his clouted shoon."
— MILTON'S *Comus*, 6, 34, 35.

72, 3. **the year 1763.** The date marks the beginning of the active struggle between England and the American colonies. The Stamp Act was the first definite step taken by the English Parliament in the attempt to tax the colonies without their consent.

72, 6. **legal competency.** This had been practically recognized by Parliament prior to the passage of the Stamp Act. In Massachusetts the Colonial Assembly had made grants from year to year to the governor, both for his salary and the incidental expenses of his office. Notwithstanding the fact that he was appointed (in most cases) by the Crown, and invariably had the ear of the Lords of Trade, the colonies generally had things their own way and enjoyed a political freedom greater, perhaps, than did the people of England.

74, 14. This is not my doctrine, but that of Ofellus; a rustic, yet unusually wise.

75, 10. Compare in point of style with 43, 22–25; 44, 1–6. In what way do such passages differ from Burke's prevailing style? What is the central thought in each paragraph?

81, 14. **misguided people.** There is little doubt that the colonists in many instances were misrepresented by the Lords of Trade and by the royal governors. See an interesting account of this in Fiske's *American Revolution.*

84, 10. **an Act.** Passed in 1767. It provided for a duty on imports, including tea, glass, and paper.

84, 20. **An Act.** Boston Post Bill.

85, 2. **impartial administration of justice.** This provided that if any person in Massachusetts were charged with murder, or any other capital offence, he should be tried either in some other colony or in Great Britain.

85, 8. **An Act for the better regulating** See 37, 23.

85, 13. **Trial of Treasons.** See 50, 20.

90, 17. **de jure.** According to law. **de facto.** According to fact.

92, 1. **jewel of his soul.**

> " Good name in man and woman, dear my lord,
> Is the immediate jewel of their souls."
> — *Othello*, III., iii., 155, 156.

95, 1. **proposition of a ransom.** See 8, 13.

95, 6. An experiment upon something of no value.

102, 6. They stake their fortune and play.

102, 16. **Such a presumption.** Is Burke right in this? Select instances which seem to warrant just such a presumption. Discuss the political parties of Burke's own day from this point of view.

103, 1–7. What can you say about the style of this passage? Note the figure, sentence structure, and diction. Does it seem artificial and overwrought? Compare it with 43, 22–25; 44. 1–6; also with 90, 23–25; 91, 1–25, 92, 1–23.

105, 4. **enemies.** France and Spain.

105, 13. **light as air.**

> "Trifles light as air
> Are to the jealous confirmations strong
> As proofs of holy writ." — *Othello*, III., iii., 322–324.

105, 16. **grapple to you.**

> "The friends thou hast and their adoption tried
> Grapple them to thy soul with hooks of steel."
> — *Hamlet*, I., iii., 62, 63.

105, 21 **the cement is gone.** Figure?

107, 21. **profane herd.**

> "Odi profanum volgus et arceo."
> I hate the vulgar herd and keep it from me.
> — HORACE, *Odes*, III., 1, 1.

108, 6. **Magnanimity.** Etymology?

108, 10. **auspicate.** Etymology and derivation?

108, 12. **Sursum corda.** Lift up your hearts.

108, 25. **quod felix faustumque sit.** May it be happy and fortunate.

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